

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, DECEMBER 5, 2006 AT 7:00 P.M.

The City Council of the City of Leon Valley, Texas, met for a Regular City Council Meeting on the 5th day of December 2006 at 7:00 p.m., at the Leon Valley City Council Chambers, for the purpose of the following business, to-wit:

Call to order and Pledge of Allegiance.

Mayor Riley called the meeting to order and asked that the minutes reflect that the following members of Council were present: Maloy, Reyna, Semmelmann, Dean and Rangel.

City Manager Brummett, City Secretary Feutz, Community Development Director Smith, Fire Chief Irwin, Public Works Director Vick, Assistant Public Works Director Stolz, and Attorney Jacobson were also present.

Mayor Riley asked resident Linda Persyn to lead the Pledge of Allegiance and the Texas Pledge.

Consider approval of minutes of the special City Council Meeting of November 19, 2006 and the Regular City Council Meeting of November 21, 2006 and the City Council Workshop of November 30, 2006.

A motion was made by Councilman Reyna, seconded by Councilmember Maloy, to approve the minutes from the November 19, 2006 Special City Council Meeting, the November 21, 2006 Regular City Council Meeting, and the November 30, 2006 City Council Workshop. Upon a unanimous vote, the motion carried.

Mayor Riley presented a Special Recognition Award to Fred Stolz who had served for the previous six months as the Interim Public Works Director for the City. Mayor Riley thanked Mr. Stolz for his leadership and initiative as the Interim Director. Mayor Riley then introduced and welcomed Byron Vick as the new Public Works Director.

Citizens to be heard and time for objections to the Consent Agenda.

Mayor Riley asked Council if they wished for any Consent Agenda item to be removed for further discussion. Hearing no requests, Mayor Riley asked if anyone in the audience wished to address the Council.

Resident Al Uvietta addressed Council thanking the Leon Valley Police and Fire Departments for their prompt response to a fire alarm at his home.

Nita Lange, Chair of the Trade and Market Days Committee, addressed Council thanking them for their support and reminding everyone of the next Trade and Market Day to be held on Saturday, December 9, 2006.

Resident Betty Elmer, 7115 Larksong, addressed Council to complain about sewer costs and winter averaging for future sewer billings. Assistant Public Works Director, Fred Stolz, explained the purpose and time period for winter averaging and offered to assist Ms. Elmer with other questions regarding water and sewer billing.

Mayor Riley asked if anyone else wished to address Council; seeing no one, she asked for a motion on Consent Agenda items.

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Consent Agenda

Consider M&C # 12-01-06 - Appointment of a temporary Special Consultant to the Mayor and Council.

Consider M&C # 12-02-06 - Approval of nominee to serve as Representative to the VIA Suburban Cities on the VIA Board of Trustees (Barbara Christian).

Consider M&C # 12-03-06 - Approval of Budget Adjustment to fund the FY 2006 Street Program (\$200,000) from the General Fund Reserves.

Consider M&C # 12-04-06 - Approval of Budget Adjustment to fund the FY 2006 Sewer Rehabilitation Project (\$200,000) from the Enterprise Fund Reserves.

Consider Ordinance to approve amendments to the original budget of the City of Leon Valley, Texas for the Fiscal Year of 2007 for Budget Adjustments requested under M&C # 12-03-06 and # 12-04-06.

Consider M&C # 12-05-06 - Approve increasing the balance maintained in the Emergency Fund Reserve from \$500,000 to \$800,000. This increased amount is estimated to cover operational costs for the City for approximately six weeks in case of any emergency.

A motion was made by Councilmember Semmelmann, seconded by Councilmember Dean, to approve the Consent Agenda items. Upon a unanimous vote, the motion carried.

Public Hearing to consider Zoning Case # 06-373 with attached Ordinance - A request by Milmo Investments L.L.C., applicant to rezone approximately 4.833 acres of land from R-1 (Single-Family Dwelling) and B-3 (Commercial) to R-3 (Multiple-Family Dwelling) in the 6000 block of Sawyer Road and B-2 (Retail) at 6031 Grissom Road. This request was postponed from the Regular City Council Meeting of November 7, 2006.

Community Development Director Smith presented the case particulars to Council. Ms. Smith stated that the request for Zoning Case No. ZC 06-373 was to rezone 4.833 acres of land from R-1 (Single-Family Dwelling) and B-3 (Commercial) zoning to R-3 (Multiple Family Dwelling) and B-2 (Retail) zoning districts at Lot 18, CB 5784, Leon Valley Addition Subdivision fronting along Sawyer Road, also known as 6031 Grissom Road. She reviewed the surrounding zoning and land uses and zoning and platting history of the property. She explained that the applicant indicated that the rear 2.408 acre portions of the lot would be incorporated into the proposed Barcelona apartment complex and the front 2.425 acre portions, that face Grissom Road, would be used for the construction of an office building. Ms. Smith reported that from 12 letters mailed to property owners within 200-feet of the proposed zoning site, four letters were returned in favor of the zoning change, no letters were received in opposition to the change and one letter was received in favor of the zoning change from someone who lived outside of the 200-feet notification area. She also reported that no letters were returned as undeliverable.

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Zoning Commission Vice-Chair Linda Persyn reported that the Zoning Commission met on November 28, 2006 to consider the case and voted 6:0 to recommend approval of the rezoning request.

Mayor Riley opened the public hearing at 7:25 p.m. and asked if anyone from the audience wished to address Council on the case.

Patrick Christensen, agent for the applicant addressed Council, stating that the additional property will add additional apartment units to the adjoining property which is in the process of being developed as an apartment community. He stated that there will be no access to Sawyer Road, except for possibly an emergency vehicles only access, but residents will have a second access from the complex to Grissom Road through the newly acquired property.

Resident Betty Elmer expressed her concern that additional residents on Grissom Road will add more traffic to Bandera Road.

Hearing no one else wishing to address Council on the case, Mayor Riley closed the public hearing at 7:35 p.m.

Following discussion, a motion was made by Councilmember Dean, seconded by Councilman Reyna, to approve the rezoning as presented for Zoning Case # 06-373. Upon vote, the motion carried.

Public Hearing to consider Specific Use Permit Case # 06-255 with attached Ordinance - A request by Michael Imbimbo, agent for Maxey Family Limited Partnership, applicant, for new construction and operation of a "Restaurant with a Drive-Thru," to be located at 7249 Bandera Road, Lot 38, Block B, CB 4446A, Linkwood Addition Subdivision.

Community Development Director Smith presented the case particulars to Council stating that the case was a request by Michael Imbimbo, agent for Maxey Family Limited Partnership d.b.a. Dickey's Barbeque Pit. She explained that the request asks for the City to allow new construction and operation of a "Restaurant with a Drive-thru" on Lot 38, Block B, CB 4446A, Linkwood Addition Subdivision, located at 7429 Bandera Road. Ms. Smith reviewed the surrounding zoning and land uses and the zoning, platting and alley closing histories affecting this property. Ms. Smith reminded Council that in 2006 the property was replatted and the City authorized the use of CIED funds for the removal of utility poles from the abandoned alley. Ms. Smith stated that the applicant was advised to move the Linkcrest driveway closer to Eckhert Road so that the neighborhood is not disturbed by traffic from the business. She stated that the site plan met minimum requirements for parking, landscaping, and lighting and that a Traffic Impact Analysis Worksheet indicated that the proposed activity will generate less than 100 peak hour trips. Ms. Smith noted that 14 letters were mailed to property owners within 200-feet of the site and that no letters were received back in opposition nor in favor of the case and one letter was returned as undeliverable.

Zoning Commission Vice Chair Linda Persyn addressed Council reporting that on November 28, 2006, the Zoning commission voted 6:0 to recommend approval of the case with the condition that the applicant resolve the driveway issue with Community Development Department staff prior to this City Council meeting.

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Council discussed landscaping, tree preservation, driveway options accessing Linkcrest Drive and options to discourage traffic from traveling into the Linkwood Subdivision neighborhood from the rear of the business. Councilmembers suggested options of curbing modifications, one-way street options, and blocking or prohibiting traffic from turning right from the rear driveway onto Linkcrest Drive.

Agent Michael Imbimbo answered Council's questions regarding the mutual access driveway off Bandera Road explaining that TxDOT will only allow one access off of either Bandera Road or Eckhert Road for this property. Ms. Smith explained that the City Engineer had reviewed two options for the rear driveway submitted by the applicant in response to the condition recommended by the Zoning Commission. She stated that the City Engineer preferred option #1 submitted by the applicant.

Mayor Riley opened the public hearing at 8:15 p.m. and invited audience members to address Council on the case.

Resident Al Uvietta addressed Council stating that TxDOT has plans to reconfigure the Eckhert Road and Bandera Road intersection.

Clifford Short addressed Council asking if Linkcrest has sufficient width to construct an island on Linkcrest.

Mayor Riley asked if anyone else in the audience wished to address Council; seeing no one, Mayor Riley closed the public hearing at 8:21 p.m.

Following continued discussion, a motion was made by Councilman Reyna, seconded by Councilmember Dean, to approve the Specific Use Permit case as presented by staff. Upon vote, the motion carried. Councilmember Maloy recommended that the City Manager continue to look into traffic deterrents for Linkcrest Drive, including a traffic island.

Public Hearing to consider Specific Use Permit Case # 06-256 with attached Ordinance - A request by Clifford Short, applicant, for operation of "Entertainment - Indoor", specifically a video/game room, to be located at 7007 Bandera Road, Suite #3, being Lot 9, Block 1, CB 4446G, Clear Creek Shopping Center Subdivision.

Community Development Director Smith presented case particulars to Council explaining that the case was a request by applicant Clifford Short, doing business as "Gamelot, Inc.", for the operation of an "Entertainment - Indoor" facility, specifically a video/gameroom, to be located at 7007 Bandera Road, Suite 3. Ms. Smith reviewed the background of platting and zoning for the property, zoning recommendations of the Master Plan for the area, and the surrounding zoning and land uses. She stated that the site plan met the minimum requirements for site plan development, including parking and that a Traffic Impact Worksheet indicated that the site would generate less than 100 peak hour trips. Ms. Smith informed the Council that of nine letters sent to property owners within 200-feet of the site, no letters were returned in favor nor in opposition to the case and no letters were returned undeliverable.

Zoning Commission Vice Chair Linda Persyn addressed Council stating that on November 28, 2006, the Zoning Commission voted 6:0 to approve a recommendation for the Specific Use Permit Case No. 06-256.

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The applicant, Clifford Short, answered questions from Council about the proposed business's operating procedures and hours and described the types of games and tournaments that would be available to his customers.

Mayor Riley opened the public hearing at 8:40 p.m.

Resident Al Uvietta addressed Council asking about the hours of operation and the City's Juvenile Curfew laws. Resident Betty Elmer addressed Council stating that she hoped the games were not violent games.

Mayor Riley closed the public hearing at 8:44 p.m.

Following Council discussion, a motion was made by Councilmember Maloy, seconded by Councilman Reyna, to approve the Specific Use Permit Case # 06-256 as presented by staff. Upon vote, the motion carried.

Consider M&C # 12-06-06 - Authorization to enter into agreement with the Northside Independent School District (NISD) to hold a joint election for the May 12, 2007 election and with the Bexar County Elections Administrator to administer the same election.

City Secretary Feutz addressed Council explaining that with House Bill (HB) 1, school district elections for trustees are required to be held jointly with a municipality located in the school district. She explained that the Northside Independent School District (NISD) will hold an election on May 12, 2007, the same date as the Leon Valley General Election for Council Places 1, 3, and 5. She explained that after meeting with the Bexar County Elections Administrator, municipalities were asked to consider holding joint elections with larger political entities and have Bexar County serve as the Elections' Administrator. Ms. Feutz presented advantages of shared costs, one-stop voting for both early and election day voting, weekend and extended hours of voting, and a single ballot for all issues to be voted on for Leon Valley voters. Ms. Feutz also stated that the biggest disadvantage was that there would possibly be no voting at City Hall for early voting or on Election Day. She also explained that Bexar County wanted to know if the City was interested by December 15, 2006 and that agreements would be signed on January 9, 2007.

Council discussed their concerns for voters not voting at City Hall, educating voters to new polling sites, and any increase in cost to the City by holding the joint election.

A motion was made by Councilman Reyna to approve the request if at least one early voting site is located within the boundaries of the City of Leon Valley, if City Hall is designated as an Election Day voting place, the joint election administered by Bexar County actually saves money for the City, and if there will be adequate parking at the voting sites for voters. The motion was seconded by Councilmember Maloy.

Following discussion and upon a roll call vote as follows: Maloy, Reyna, Dean and Rangel for the motion; Semmelmann against the motion. The motion carried by a vote of 4:1 for the motion.

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Ms. Feutz told Council that she would return with an update for their questions at the next meeting.

Consider Ordinance to appoint members to the Civic Affairs Committee, a member to the Business Alliance Committee, and a member to be the 4th Alternate for the Board of Adjustment.

Mayor Riley asked Council to consider appointing Randy Smith, Larry Schaeff, and Bobbie Schaeff to the Civic Affairs Committee, Randy Smith to the Business Alliance Committee, and Anthony Westrich as the 4th Alternate for the Board of Adjustment.

A motion was made by Councilmember Maloy, seconded by Councilmember Semmelmann, to approve the appointments as recommended by the Mayor. Upon vote, the motion carried.

Consider cancellation of the January 2, 2007 Regular City Council Meeting.

A motion was made by Councilman Reyna, seconded by Councilmember Dean, to cancel the January 2, 2007 Regular City Council Meeting. Upon a unanimous vote, the motion carried.

City Manager's Report.

City Manager Brummett gave Council copies of an update on the goals and objectives they had set for the City earlier in the year. He also joined the Council in wishing the Mayor a Happy Birthday.

Citizens to be heard.

Resident Linda Persyn addressed Council and complimented the Compass Bank construction crew for preserving the historical marker at the corner of Grissom and Bandera Roads.

Announcements.

Councilmember Rangel announced the Holiday Concert with the Beethoven Band to be held on Sunday, December 10, 2006 at 2:30 p.m. and thanked the Civic Affairs Committee for their work with the tree lighting ceremony.

Councilman Reyna thanked staff and the Zoning Commission for their work on the zoning cases presented at the meeting.

Councilmember Maloy reminded everyone that the Trade and Market Day on December 9th would be the last Market Day until April 2007. She praised the efforts of the Civic Affairs Committee with the tree lighting ceremony and the Library's snow event. She also commended the Municipal Court's warrant round up for their efforts to clear warrants.

Mayor Riley thanked everyone who worked on decorating the Community Center. She also announced that the restaurant discussed during one of the earlier zoning cases was a result of meeting with the restaurant representatives at the International Council of Shopping Centers Convention last May. Mayor Riley also announced that an assessment of the Trade and Market Days financial picture would be discussed at the next City Council meeting.

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Adjourn.

A motion was made by Councilmember Semmelmann, seconded by Councilman Reyna, to adjourn the meeting. Hearing no further discussion, Mayor Riley announced the meeting was adjourned at 9:22 p.m.

Chris Riley

Mayor

ATTEST:

Marie Feutz

City Secretary

Approved by vote of City Council at the Regular City Council Meeting of December 19, 2006